

Minutes of the Conservation Commission  
June 22, 2009

Present: CP: Christopher Picone MD: Marshall Dennis  
MH: Michael Horgan LC: Lori Capone, Conservation Agent  
Absent: LD: Lorraine DeSouza

7:30 PM CP opened the Meeting of the Ashburnham Conservation Commission under the Wetlands Protection Act, M.G.L. Ch 131 Sect. 40, and in accordance with the Ashburnham Wetlands Protection Bylaw.

7:31 PM CP opened the Notice of Intent Hearing for Joseph Paul for Lot 1 Willard Road (Map 61, Parcel 46A) for the proposed construction of a single family house within the buffer zone. Kevin Horgan of GRAZ Engineering approached the Commission. MH disclosed for the record that he is cousins with Kevin Horgan. CP asked if there were any objections to him sitting on the Commission for this Hearing. There were no objections. CP asked if there were any abutters present to speak for or against the application: none were present. Kevin Horgan presented the plan for the applicant, who was present. Mr. Horgan explained that there was an existing Order for the construction of a single family house which has expired. The location of the house has been moved away from the wetland and the retaining wall has been removed. MD showed the approved delineation associated with the rail-trail on the adjacent property and asked that the wetland line and buffer zone be depicted to reflect the approved delineation. The Commission requested that the silt fence be extended in the rear of the lot to designate the limit of work. MD requested wattles or straw bales be added to the silt fence along the first 50-60 feet. MD asked if interception of groundwater was anticipated when digging the foundation. Mr. Horgan stated that the groundwater should not be intercepted but if dewatering was required, a plan would be presented to the Commission for approval prior to commencement of dewatering activities. MH requested a Certificate of Compliance be requested for the expired Order. CP requested a construction apron be added to the plan.  
CP: Motion to continue the Hearing to July 13, 2009 at 7:30 PM  
MD: Seconded the Motion  
Motion carried unanimously 3-0

Other Business:

- LC presented a plan change associated with the replacement of the septic system at 95 Westshore Drive. LC explained that the septic tank and pump chamber needed to be moved because the Board of Health would not grant a Variance. LC explained this would move the septic tank and pump chamber just within the inner riparian zone, however, was still located within existing lawn area. The Commission approved the change.

7:45(7:48) PMCP opened the Notice of Intent Hearing for Shelley & Gary Dion of 4 Liberty Lane continued from June 8, 2009 for the proposed construction of a 26 x 28 garage located within the buffer zone. CP asked if there were any abutters to speak for or against the application: none were present. CP summarized the discussion from the previous Hearing on 6/8/09 due to the fact the MD was absent. LD and CP performed a site visit to determine if the garage could be moved away from the wetland. MD asked if the placement of fill in the buffer zone was part of the RDA. It was determined this activity was not covered under the RDA. CP suggested allowing the undergrowth to re-establish under the existing tree canopy. MD questioned whether the garage was accurately located on the plan. MD asked that measurements from the existing house be noted on the plan to better depict the location of the proposed garage. There was much discussion. LC suggested the Order be conditioned that the garage shall be located no closer than 50 feet from the stream or 35 feet from the property line. It was suggested that a 10-foot buffer be allowed to re-vegetate adjacent to the tree line. The applicant was unwilling to re-establish a 10-foot buffer but agreed to allow the area behind the proposed garage to naturally re-vegetate. The applicant agreed to also contact a landscaper to create a landscaped border near the culvert.  
CP: Motion to close the Hearing  
MH: Seconded the Motion  
Motion carried unanimously 3-0  
CP: Motion to issue an Order of Conditions per plan and discussion  
MH: Seconded the Motion  
Motion carried unanimously 3-0

8:15 PM CP opened the Notice of Intent Hearing for Stephen and Lois Dunn of 70 Heather Dunn Road for a proposed septic system repair, installation of new well and relocation of driveway, located within the buffer zone. CP asked if there were any abutters present to speak for or against the application: Catherine Wygant of 60 Heather Dunn Road attended. Angel Lehtonen of Northland Engineers presented the project to the Commission for the applicant, who was present. Erosion controls shall consist of wattles or compost berms which would be raked out upon completion of the project to provide immediate stabilization. Ms. Lehtonen explained that the Board of Health has not yet reviewed the plans and a grading easement would need to be obtained to construct the project as proposed. Ms. Lehtonen explained that there was not an alternate site that would have less impact on the resource area. MD questioned the number of bedroom in the existing dwelling. Ms. Lehtonen said the plan would be revised to show a 2-bedroom dwelling. MD explained that Ms. Lehtonen would have to work the number of bedrooms out with the Board of Health before the Commission could close their Hearing. CP noted a letter that was submitted by an abutter, Catherine Wygant. Ms. Wygant was present and explained that her concerns lie with the impact on the lake due to the need for heavy equipment of Heather Dunn Road. It was agreed that the project would not be attempted when the road was excessively muddy, to minimize impacts on adjacent wetlands. No materials will be stockpiled on site.

CP: Motion to continue the Hearing to July 13, 2009 at 7:45 PM to allow the Board of Health to review the plan

MH: Seconded the Motion

Motion carried unanimously 3-0

Other Business:

- The Commission discussed the FY10 Budget
- The Commission continued their discussions regarding their revised fee schedule under the Wetlands Protection Bylaw
- LC explained that there is some activity within the wetlands located at 100 Main Street, specifically clearing of wetland vegetation. The Commission requested LC send a letter to the Meisner's requesting their attendance at the Commission's next meeting to discuss this matter further.
- LC informed the Commission that the Board of Selectmen would like to know if the Commission would be willing to allow an Oakmont student to serve on the Commission as a non-voting member to help foster interest in Town Government. The Commission questioned the age requirement to sit on the Commission and time commitment required to hold such a position. MD will contact the Town Administrator regarding this matter.
- MD requested LC correct the website regarding the meeting location.
- LC informed the Commission that the Lake Road Bridge replacement project would commence on June 22, 2009 for completion in November.
- LC informed the Commission regarding the Conservation Assessment and Prioritization System Program through UMASS who would like to establish 3 plots in the Town Forest to assess the ecological integrity of uplands, wetlands, and waters in the state. There will be a one to two person crew accessing the plot each visit. They will collect algae, insects and other invertebrates, monitor hydrology, measure water chemistry (pH, conductivity, and temperature), and inventory plants to classify the vegetation. Their findings will be provided to the Commission.
- The Commission discussed the wetland replication area at 24 and 30 River Styx Road. The Commission requested LC send the applicant a letter requesting a revised replication plan for the replication area, to be completed this growing season.

CP: Motion to adjourn

MH: Seconded the Motion

Motion carried unanimously 3-0

Meeting adjourned at 9:40 PM

Respectfully submitted by Lori Capone, Conservation Agent